

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION**

**UNITED STATES OF AMERICA : DOCKET NO. 16-cr-00104**

**VERSUS** : **JUDGE MINALDI**

**DEREK NOTHNAGEL** : **MAGISTRATE JUDGE KAY**

**REPORT AND RECOMMENDATION ON FELONY  
GUILTY PLEA BEFORE UNITED STATES MAGISTRATE JUDGE**

Pursuant to Title 28, United States Code, Section 636(b), and with the written and oral consent of the defendant, this matter has been referred by the District Court for administration of Guilty Plea and Allocution under Rule 11 of the Federal Rules of Criminal Procedure.


This cause came before the undersigned U. S. Magistrate Judge on July 14, 2016, at which time the defendant expressed a desire to waive his right to plead guilty before a District Judge and enter into a plea before the U. S. Magistrate Judge. Defendant indicated on the record his desire to consent to proceed before the undersigned and executed a waiver. Defendant was at all times represented by counsel, Jimmy Derosier .

After said hearing and for reasons orally assigned, it is the finding of the undersigned that the defendant is fully competent, that his plea of guilty is knowing and voluntary, that his guilty plea to Count One of the Bill of Information is fully supported by the written factual basis acknowledged by defendant orally in court and by his signature on the written document. This factual basis supports each essential element of the offense to which the defendant pled.

Therefore the undersigned U.S. Magistrate Judge recommends that the District Court **ACCEPT** the guilty plea of the defendant, Derek Nothnagel, and that he be finally adjudged guilty of the offense charged in Count One of the Bill of Information.

Under the provisions of 28 U.S.C. § 636(b)(1)(C) the parties have fourteen (14) days from service of this Report and Recommendation to file specific, written objections with the Clerk of Court. Defendant, however, waived his right to file these written objections, and, accordingly, the matter is now deemed submitted to this district court for consideration. Sentencing scheduled for October 27, 2016, at 10:00 a.m.

THUS DONE this 18 July 2016.

  
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KATHLEEN KAY  
UNITED STATES MAGISTRATE JUDGE